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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

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GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

3rd October 1877, No. 371 I.

Irrigation.
Account.

Read the following paper :—

No. 20. Endorsement of the Chief Engineer for Irrigation, dated Fort St. George, 28th September 1877, No. 201 I.

From Captain R. F. MORRIS, R.E., Acting District Engineer, Trichinopoly, to the Secretary to Government, Public Works Department, dated Trichinopoly, 25th September 1877, No. 451.

I HAVE the honor to forward copy of a letter, No. 44, dated 22nd May last, from the Collector and Receiver of Tanjore, claiming that a portion of the bed of the Coleroon river rented out by this department to one Mahomed Kanni Routhen should be made over to him as Receiver of His Highness the late Rajah of Tanjore's property. A copy of a subsequent letter No. 168 of the 2nd August last from the Receiver is also forwarded, from which you will observe that, in case of the land not being given over to him, he proposes to institute legal proceedings. I beg therefore to submit the following explanation on the subject, and request instruction how I am to act.

2. A survey of a portion of the Coleroon right bank and adjoining padugay is herewith sent. The plot marked D is already in the possession of the Receiver; that marked A is the plot under dispute. It is about 16 cawnies in extent, and was rented out in January 1876, on certain conditions, to one Mahomed Kanni Routhen for a period of five years for Rupees 1,200, of which Rupees 840 have already been paid by him. It is in the bed of the river, and under water generally for about four months in the year, the cultivation on it being carried on between the months of February and May.

3. Paragraph 3 of the Tanjore Collector's letter above referred to leaves no doubt that the land lies within the estate of the late Rajah of Tanjore, and the only point is whether Government can establish a claim to it as being in a part of the bed of the Coleroon river. I need hardly point out that if private individuals can establish a claim to portions of the bed of a river on which large Irrigation works are dependent, great injury might, under certain circumstances, be done to such works, and I think it desirable that the claim of the Receiver should, if possible, be contested; but this is purely a legal question.

4. I would only observe in conclusion that the padugay in question, though in the Tanjore District, was given over by the late Superintending Engineer, 6th Division, to this district, in connection with the conservancy of the Ponneri channel, and the groynes shown in the plan were constructed, at considerable expense, to divert the water into that channel, on the opposite bank of the river. Considerable accretions have formed below these groynes and they too have been rented out for cultivation; but no claim has been set up regarding them.

From H. S. THOMAS, Esq., Collector and Receiver of Tanjore, to Captain R. F. MORRIS, R.E., Acting District Engineer, Trichinopoly, dated Vallam, 22nd May 1876, No. 44.

IT has been brought to my notice by the Tahsildar of Combaconum that in order to allow of a larger quantity of water passing through the Ponneri channel which irrigates the lands in your district, nanul has been planted on the of the Coleroon in the limits of Combaconum taluq, and that thereby accretion has been ed to the extent of two velis of land which have been given over for cultivation by the Range Officer of your district to one Mahomed Kanni Routhen, on what authority is unknown.

2. As the land immediately adjacent to the accretion belongs to the estate of His Highness the late Rajah of Tanjore, the accretion belongs also to the estate.

3. Moreover, from the Pymash account it is clear that the accretion formed is only a portion of the land measured in the name of the Maharajah, but scoured away in course of time by the action of the current.

4. I have the honor therefore to request that you will be good enough to issue necessary orders for the land being made over to me as the Receiver of His Highness the late Rajah's property.

From J. MARSH, Esq., Receiver to the Estate of His Highness the Rajah of Tanjore, to Captain R. F. MORRIS, R.E., Acting District Engineer, Trichinopoly, dated Tanjore, 2nd August 1877, No. 168.

I HAVE the honor to renew the request made by Mr. Thomas in his letter, dated 22nd May 1876, No. 44, that the padugay land in Uthamanur Tattimal padugay may be restored to the estate of His Highness the late Maharajah of Tanjore, and that the renter of the said lands be permitted to cultivate them according to the agreement he has entered into with the Receiver.

It seems to me that the only questions at issue are—

(1). Does the padugay in question come within the limits of the estate of His Highness the late Maharajah of Tanjore?

(2). What is the usage of the country in such cases?

The first question is settled in the affirmative by the Doomsday book of the country, the Pymash accounts, the final appeal in all matters referring to the extent of land. The second point, too, usage decides in favor of the estate. If loss is sustained by the washing away of land, it stands to reason that when accretion takes place the lands adjoining have a right at least to what was formerly washed away, for then that portion of the bed of the river is the property of the adjoining land-owner. With reference to the fact that Government has been put to considerable expense, I have only to point out that the Government have secured the object for which they incurred the outlay, viz., "the protection of the Coleroon bank," a work your department is bound to look to, and "the better supply of water to the only important channel of this taluq" (Udiarpolliem). The accretion of the padugay does not therefore seem to have been the object of the expenditure, and Government cannot, contrary to the usage of the country, claim the accretion.

2. In case you still hold to your views that the land belongs to the Public Works Department, I propose to try the question by law.

SUBMITTED for the consideration and orders of Government.

Apparently some part of the lands belonging to the estate of the late Rajah of Tanjore was washed away by the Coleroon, and the effect of certain river conservancy works carried out by the Public Works Department in Trichinopoly has been to reclaim land from the river bed, to which a claim has been made by the Receiver of the Estate.

2. It will be seen that the land claimed has been rented out for cultivation for five years from January 1876 for Rupees ,200, of which Rupees 840 have been paid by the tenant.

(Signed) JOHN MULLINS, Colonel, R.E.,
Chief Engineer for Irrigation.

To the Joint Secretary to Government, Public Works Department, Irrigation Branch.

No. 21. ORDER THEREON, 3rd October 1877, No. 371 I.

ALL the land which has formed on to D to the extent which is shown by the Pymash to have formerly belonged to the estate of the Tanjore family, should, the Government think, be given up to the Receiver of the Estate.

(True Extract.)

R. Morris

Major, R.E.,
Acting Under Secy. to Govt., P.W.D.,
Irrigation Branch.

To the District Engineer, Trichinopoly.
" Collector of Trichinopoly.
" Chief Engineer for Irrigation.
" Examiner of Public Works Accounts.
" Revenue Department.
" Board of Revenue.

12/10

d E. C. Shunker.

a Copies

Revenue Department

No 4348

IRRIGATION.
ACCOUNT.

Govt. of {1877} Madr

PUBLIC WORKS.

To

The DISTRICT ENGINEER,
TRICHINOPOL
&c., &c.,

Dated October 3rd.

Issued

Recd. 12 October Encl.

G. O., 3rd October 187[illegible], No. 371 I.

OCTOBER.

Nos. 20-21.

Ullamaver Padugay lands in the Coleroon, Tanjore District.—Intima[illegible] portion of the — should be given [illegible] Receiver of the Estate of the late [illegible] Tanjore.

13.a.1